

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

2019 OCT -8 P 3:30

STEPHEN C. DRIES
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 18-CR-154

[18 U.S.C. §§ 231(a)(1); 844(m), 922(g)(1),
924(a)(2), 924(c)(1)(B)(ii), 1512(b)(3), (k);
2101(a)(3); 26 U.S.C §§ 5845, 5861(f)]

VAN L. MAYES,

Defendant.

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about August 15, 2016, in the State and Eastern District of Wisconsin,

VAN L. MAYES

conspired with others, known and unknown, to maliciously damage, by means of fire and use of a destructive device, in violation of Title 18, United States Code, Section 844(i), the following locations: (1) a Milwaukee Police Department District Station, a building used in interstate commerce, and located in Milwaukee, Wisconsin; and (2) residences in West Allis, Wisconsin.

In violation of Title 18, United States Code, Sections 844(m) and 2.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 15, 2016, in the State and Eastern District of Wisconsin,

VAN L. MAYES

used facilities of interstate commerce, as defined in Title 18, United States Code, Section 2102(a), that is a cellphone, and during the course of such use, performed an overt act with the intent and purpose of carrying on a riot and to commit an act of violence in furtherance of a riot; *to wit*, the defendant used a cellphone to encourage others to riot and to coordinate the making of destructive devices to be used to firebomb the following locations: (1) a Milwaukee Police Department District Station, a building used in interstate commerce, and located in Milwaukee, Wisconsin; and (2) residences in West Allis, Wisconsin.

In violation of Title 18, United States Code, Sections 2101(a)(2) and (3) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 15, 2016, in the State and Eastern District of Wisconsin,

VAN L. MAYES

did knowingly possess a destructive device during and in relation to a crime of violence, for which he may be prosecuted in a court of the United States, that is Count Two of this Superseding Indictment.

In violation of Title 18, United States Code, Section 924(c)(1)(B)(ii).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 15, 2016, in the State and Eastern District of Wisconsin,

VAN L. MAYES

taught and demonstrated to other persons, including juveniles, the use, application, and making of Molotov cocktails, which are explosive devices capable of causing injury and death, knowing and intending that such devices would be used in furtherance of a civil disorder, which in any way and degree would obstruct, delay, and adversely affect interstate commerce and the conduct and performance of any federally protected function, *to wit*: the functioning of the Milwaukee Police Department.

In violation of Title 18, United States Code, Sections 231(a)(1) and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

Between approximately August 30, 2016 and May 1, 2019, in the State and Eastern District of Wisconsin,

VAN L. MAYES

and others known and unknown to the grand jury knowingly and intentionally combined and conspired to intimidate, threaten, and corruptly persuade witnesses to the activities described in Counts One, Two, and Four of this Superseding Indictment by instructing witnesses to create a false and common story to be communicated to law enforcement and by threatening to expose witnesses who were cooperating with law enforcement, with the intent to hinder, delay, and prevent communication to the United States Bureau of Alcohol, Tobacco, and Firearms of information relating to the commission of a Federal Offense, including those described in Counts One, Two, and Four.

In violation of Title 18, United States Code, Sections 1512(b)(3) and (k), and 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. On or about August 15, 2016, in the State and Eastern District of Wisconsin,

VAN L. MAYES,

knowing he previously had been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm (a destructive device as defined at Title 18, United States Code Sections 921(a)(3) and (4)), which, prior to his possession of it in whole and in part, had been transported in interstate commerce, the possession of which was therefore in and affecting commerce.

2. The firearm (destructive device) is more fully described as a glass bottle filled with gasoline and a fabric wick, commonly known as a "Molotov cocktail."

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 15, 2016, in the State and Eastern District of Wisconsin,

VAN L. MAYES

knowingly made a National Firearms Act (NFA) firearm, a destructive device, as defined at Title 26, United States Code, Section 5845(a) and (f), which was a glass bottle filled with gasoline and a fabric wick, commonly known as a "Molotov cocktail."

In violation of Title 26, United States Code, Sections 5822 and 5861(f), and Title 18, United States Code, Section 2.

A TRUE BILL:

[REDACTED]

FOREPERSON

Dated: October 8th, 2019



MATTHEW D. KRUEGER
UNITED STATES ATTORNEY